

REMARKS

Claims 1, 2, 4, 5, 15, 17 and 19-22 are now pending in this application. Claims 1-5 and 15-19 are rejected. Claims 3, 16 and 18 are cancelled herein. Claims 6-14 are previously cancelled. Claims 1 and 19 are amended herein to address matters of form unrelated to substantive patentability issues. Claims 20-22 are added.

The applicants and applicants' attorney appreciate the Examiner's granting of the telephone interviews conducted on February 3, 2010 and March 16, 2010, and extend their thanks to the Examiner for her time and consideration. The Interview Summary mailed February 16, 2010 accurately reflects the substance of the first interview.

During the second interview, the Examiner and applicants' counsel disagreed on the basis of two points of contention.

The first point of disagreement resides in the nature of the rotary brush 44. It is applicants' expressed position that the rotary brush 44 is in no way analogous with the top roll 11 in Haubach, and therefore applicants view the combination as being improper. As pointed out by applicants' counsel, the brush merely operates as a gating mechanism, controlling a rate of flow of the particles AP from the hopper 42 perpendicular to the reception surface, and therefore, not controlling in any way as to a speed relative to the direction of travel of the sheet on which it is deposited.

In regard to the second point of contention, the Examiner expressed her opinion that Haubach teaches that top and bottom rolls 11 and 12 move at different speeds since, according to her analysis, there are more teeth in roll 11 than on roll 12. Applicants' counsel expressed his position, that nothing in the written description supported the Examiner's position, and that the pitch of the gearing of both rolls would necessarily have to be the same, or the gearing would jam as the rolls attempted to rotate in meshed engagement. Applicants' counsel expressed his opinion that Fig. 3 of the reference is merely the product of sloppy draftsmanship, since it is apparent that the gears do not even follow a circular course, and the pitch of the gears of both rolls vary about the circumference thereof.

While no agreement was reached, the Examiner agreed to give further consideration following a formal response, in which arguments are presented in favor of applicants position regarding the points of disagreement raised during the interview.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claims 1, 2, 4, 5, 15 and 17 are rejected as obvious over Haubach (US 5,925,439) in view of Packard et al. (US 4,851,069) under 35 U.S.C. §103(a). The applicants herein respectfully traverse this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

Applicants respectfully submit that Haubach fails to teach or suggest the features of claim 1, wherein it is recited that:

bonding the base sheet, the powder particle layer and the covering sheet into an integral form while shifting the covering sheet in a held state on a contact-bond fixing roller face, the powder particle layer being shifted at a shifting speed that is less than respective speeds of the base sheet and the covering sheet

It is the Examiner's expressed opinion that roll 11 rotates slower than roll 12 because it has more teeth. However, this position is flawed for the following reason. In order for meshed gears to operate effectively, the pitch of the respective meshed gear teeth must be the same for both rollers. This is ordinarily achieved by providing one of the gears with a larger diameter, about which more teeth can be circumferentially arranged. However, even if such were the case in Haubach, with the diameter of roll 11 being larger than that of roll 12, it would be the rotational speed about the rotational axis of roll 11 which would be slower, not the velocities of the confronting gear surfaces of rolls 11 and 12. Thus, the recitation of "the powder particle layer being shifted at a shifting speed that is less than respective

speeds of the base sheet and the covering sheet” would not met by the structure shown in Fig. 3 of Haubach, even if one were to adopt the Examiner’s reasoning.

Regarding Packard et al., applicants respectfully submit that rotary brush 44 is in no way equivalent to the temporary receiving roller of the claimed invention, nor is it analogous in any way with the top roll 11 in Haubach. It merely functions to gate a rate of flow of particles AP from the hopper 42 (see col.6, lines 10-14). The brush 44, therefore, does not affect a shifting speed of the powder particle layer. The only result effective variable expressed by the brush relates to the rate of discharge of the particles, which is only analogous with a rate of spraying of the material in the present invention.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 1, 2, 4, 5, 15 and 17 and their allowance are respectfully requested.

Claims 1, 2, 5, 15, 17 and 19 are rejected as obvious over Lang (US 4,994,053) in view of Packard et al. (US 4,851,069) under 35 U.S.C. §103(a). Claim 4 is rejected as obvious over Lang (US 4,994,053) in view of Packard et al. (US 4,851,069), and further in view of Haubach (US 5,925,439) under 35 U.S.C. §103(a). Claim 19 is rejected as obvious over Haubach (US 5,925,439) in view of Packard et al. (US 4,851,069), and further in view Lang (US 4,994,053) of under 35 U.S.C. §103(a). The applicants herein respectfully traverse these rejections.

The Office Action admits that Lang fails to teach that “a shifting speed of the powder particle layer is made slower than respective speeds of the base sheet and the covering sheet.” As discussed above, neither Haubach nor Packard et al. discloses this feature missing in Lang. As such, the proffered combination of references fails to teach or suggest all claimed elements, as properly required for establishing a *prima facie* case of obviousness.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 1, 2, 4, 5, 15, 17 and 19 and their allowance are respectfully requested.

Claims 20-22 are added and are submitted as patentable over the cited art of record. Independent claim 20 recites subject matter directed to bonding the base sheet, the powder particle layer and the covering sheet into an integral form while shifting the covering sheet in a held state on a contact face of a contact-bond fixing roller, wherein a surface peripheral velocity of the temporary receiving roller is less than respective peripheral velocities of the contact-bond fixing roller and the receiving and transferring roller which, among other features recited therein, is not believed disclosed in the cited art in the manner as claimed. Dependent claims 21 and 22 are patentable based on the subject matter recited therein in addition to the subject matter of claim 20.

Docket No. F-8984



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Applicants respectfully request a one (1) month extension of time for responding to the Office Action. Please charge the fee of \$110 for the extension of time to Deposit Account No. 10-1250.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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